

Docket No.: AM102286  
Application No.: 10/582,531  
Patent

## REMARKS

### Status of the claims

Claims 1-6, 8-10 and 18 are under examination. Claims 3, 8 and 18 are currently rejected. Claims 3 and 8 are currently cancelled without prejudice or disclaimer, and claim 18 is currently amended. Applicants reserve the right to pursue the subject matter of claims 3 and 8 in another application. Applicants respectfully ask that the Examiner enter the amendment of claim 18 into the case, since the amendment complies with a form expressly set forth in the Office action.

### Information disclosure Statement

The Office has not considered the IDS that was submitted on January 29, 2009 for containing GenBank® references which were allegedly illegible due to scrambled sequences.

Applicants enclose herewith courtesy copies of GenBank® references for NM\_006922, AF225986, NM\_013119, NM\_018732 and NM\_013199 and a new PTO-1449 form. Applicants respectfully point out that legible copies of these references can be found on PAIR as NPL documents submitted on September 17, 2008.

### Rejections withdrawn

Applicants wish to thank the Examiner for withdrawing the rejections under 35 USC § 101, utility and non-statutory subject matter, and 35 USC § 112, written description and second paragraph.

### Claim rejection – 35 USC § 112, enablement

Claims 3 and 8 stand rejected under 35 USC § 112 for allegedly lacking enablement. Applicants have cancelled claims 3 and 8, thus rendering the rejection of those claims moot.

### Claim rejection – 35 USC § 112, written description

Claim 18 stands rejected under 35 USC § 112, first paragraph, written description for allegedly containing new matter. The Office alleges that the recitation of "a depolarizing voltage sufficient to cause the channel to open and a sodium current to pass through the channel" is not supported by the specification. The Office suggests that "the recitation of

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depolarizing voltages in the ranges of -80mV to 50mV would overcome the rejections",  
(Office action, p. 8, last line under "New Matter rejection").

Applicants have currently amended claim 18 to recite the depolarization ranges of -  
80mV to 50mV, which is supported in the specification as filed at page 80, lines 32-33.  
The amendment does not present new matter.

In view of the amendment, Applicants request that the Office withdraw its new matter  
rejection of claim 18.

#### CONCLUSION

Applicants believe that the claims are in a condition for allowance and request that the  
Office issue a notice of allowance. However, should any outstanding issues remain,  
Applicants invite the Examiner to contact the undersigned Agent.

Respectfully submitted

  
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